

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2791*

House Bill No. 2854

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 66-19-103(a), is amended by deleting the last sentence in its entirety, by designating the existing language of the subsection as subdivision (1) and by adding the following language at the end of the new subdivision (1):

If the motor vehicle, including any associated rental equipment, clearly identifies the rental company and the rental company is on the central notice list for such rental companies maintained by the commissioner of commerce and insurance, then the garagekeeper or towing firm shall notify the rental company at the address on the list maintained by the commissioner within twenty-four (24) hours of taking possession of such vehicle or equipment by registered mail return receipt requested. If the rental company is not on the central notice list maintained by the commissioner, then the garagekeeper or towing firm shall notify the rental company at the last known address available to the garagekeeper or towing firm or based on information on or with the rental vehicle, if any.

Section 2. Tennessee Code Annotated, Section 66-19-103(a), is amended by adding the following as new subdivision (2), (3) and (4):

(2) The commissioner of commerce and insurance or the commissioner's designee shall:

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(A) Impose a penalty of thirty-five dollars (\$35) per day on a garagekeeper or towing firm for failing to comply with the notification requirements of subdivision (1); and

(B) Notify the commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract that the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

(3) The rental company may recover damages for any harm to the vehicles or equipment that occur in towing or storage.

(4) All moneys collected pursuant to subdivision (2) shall be deposited in the general fund for the benefit of the Tennessee motor vehicle commission.

Section 3. Tennessee Code Annotated, Title 55, Chapter 16, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section _____. Any person providing garagekeeper's or towing services shall register with the department of commerce and insurance. The commissioner of commerce and insurance shall by rule set a registration fee and an annual renewal fee. The registration and annual renewals shall indicate the person's places of business and identify all vehicles used in towing by such garagekeeper or towing firm. Rental companies for motor vehicles and associated equipment may file an address with the commissioner to which the

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notice required by Section 66-19-103 may be sent. The commissioner shall maintain a list of such rental companies and distribute such list annually to all persons registering under this section. Failure to register under this section when required to do so shall subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) and the commissioner shall notify the commissioner of finance and administration of such penalty. Upon receiving such notice, the commissioner of finance and administration shall suspend any contract which the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days.

Section 4. The commissioner of commerce and insurance is authorized to promulgate rules and regulations to effectuate the purposes of this act in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

Section 5. This act shall take effect July 1, 1998, the public welfare requiring it.

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